

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Eberechukwu Anosike,)	
)	
Plaintiff,)	Civil Action No.: 4:16-cv-2869-TLW
)	
v.)	
)	ORDER
Nancy A. Berryhill, Acting Commissioner)	
of Social Security,)	
)	
Defendant.)	
_____)	

Plaintiff Eberechukwu Anosike (“Plaintiff”) brought this action pursuant to 42 U.S.C. § 405(g) and § 1383(c)(3) to obtain judicial review of a final decision of the Defendant, Acting Commissioner of Social Security (“Commissioner”), denying his claims for Disability Insurance Benefits and Supplemental Security Income Benefits. ECF No. 1. This matter is before the Court for review of the Report and Recommendation (“the Report”) filed on November 9, 2017 by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a), (D.S.C.). ECF No. 39. In the Report, the Magistrate Judge recommends reversing the Commissioner’s decision denying benefits and remanding to the Commissioner for further administrative action. *Id.* Objections were due on November 27, 2017. The Defendant, through the United States Attorney, states the Commissioner “will not be filing objections” to the report, noting the “response should not be construed as a concession by Defendant that her administrative decision denying benefits to Plaintiff was not substantially justified.” ECF. No. 41. The matter is now ripe for disposition.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the

recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge's recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, "a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).

In light of this standard, the Court has carefully reviewed the Report, the relevant filings, and the applicable law and notes that neither party has filed objections to the Report. It is hereby **ORDERED** that the Report, ECF No. 39, is **ACCEPTED**. For the reasons articulated by the Magistrate Judge, the Commissioner's decision is **REVERSED**, and this matter is **REMANDED** to the Commissioner for further proceedings, as discussed in the Report.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
Chief United States District Judge

March 30, 2018
Columbia, South Carolina